

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2004 No. 144**

**The Tobacco Advertising and Promotion  
(Point of Sale) (Scotland) Regulations 2004**

**Advertising on tobacco vending machines**

5.—(1) Subject to the following paragraphs of this regulation, no offence is committed under section 2 of the Act by the publication of an advertisement on a vending machine from which only tobacco products are sold.

(2) This regulation applies where the only features used on the vending machine to promote a tobacco product are contained in an advertisement which—

- (a) consists only of a picture of the packet of a tobacco product which is for sale from that vending machine;
- (b) is no larger than the surface area of the largest face of the packet of the tobacco product depicted; and
- (c) includes a health warning which—
  - (i) is identical to a health warning which is required by regulation 7 (warnings on tobacco products) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002<sup>(1)</sup> to be shown on the most visible surface of the tobacco product which is depicted in the picture;
  - (ii) occupies not less than 30% of the surface area of the advertisement; and
  - (iii) is surrounded by a black border, not less than 3 millimetres nor more than 4 millimetres in width, which is outside the area occupied by the warning and which does not interfere with the text of the warning.

(3) If more than one different tobacco product is for sale from a vending machine, a picture of the packet of some or each of those products which complies with paragraph (2) may be published.

(4) In this regulation, “vending machine” means a tobacco vending machine which contains tobacco products which are not visible prior to purchase.